

Message

From: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Sent: 4/7/2020 4:35:07 PM
To: Kupchan, Simma [Kupchan.Simma@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
Subject: RE: question for you both if you have 15 min before or after FDEP call

Thanks! Just a thought we ought to make R4 aware of our concerns with providing written comments on the BA – FDEP was asking if we could do so.

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Tuesday, April 07, 2020 12:13 PM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: question for you both if you have 15 min before or after FDEP call

THANK YOU.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Tuesday, April 7, 2020 12:12 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: question for you both if you have 15 min before or after FDEP call

Responses in red below.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Tuesday, April 07, 2020 11:22 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: question for you both if you have 15 min before or after FDEP call

Attorney client privilege

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

- Thanks, Kathy

From: McGill, Thomas <McGill.Thomas@epa.gov>

Sent: Friday, April 03, 2020 2:58 PM

To: Hurl, Kathy <Hurl.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Thanks Kathy. I have a follow-up question and a comment.

Ex. 5 Deliberative Process (DP)

I'm available this afternoon if you want to discuss or you have any questions.

Tom

From: Hurl, Kathy <Hurl.Kathy@epa.gov>

Sent: Friday, April 3, 2020 12:13 PM

To: McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Internal and deliberative

So, based upon discussion this morning I am trying to provide two things in this email: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: McGill, Thomas <McGill.Thomas@epa.gov>

Sent: Friday, April 03, 2020 8:34 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Good morning everyone

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kelly and I will be discussing the specific next steps at 10:45am this morning, and if any of you are working and wish to join the discussion please let us know.

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, April 2, 2020 4:30 PM

To: McGill, Thomas <McGill.Thomas@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Fine with me.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: McGill, Thomas <McGill.Thomas@epa.gov>

Sent: Thursday, April 2, 2020 4:30 PM

To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Similar to Rosemary, I had a very hard time figuring-out which comments have been addressed. Would everyone be OK with replacing the marked-up version with a clean version without comments? People could then add a comment or suggested mark-up if they believe any issues are outstanding.

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Sent: Thursday, April 2, 2020 3:59 PM

To: Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: Ex. 5 Deliberative Process (DP)

Thanks all **Ex. 5 Deliberative Process (DP)** I've not had a chance to talk to John, Mindy made him aware of the issue. - Kathy

From: Calli, Rosemary <Calli.Rosemary@epa.gov>
Sent: Thursday, April 02, 2020 3:50 PM
To: Hurl, Kathy <Hurl.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Hi, Kathy – In the interest of getting to the briefing with an issue paper, we just accepted all of the changes everyone made by that point. There are a lot of comments and it's hard to track whether they were addressed with the edits, but we'll definitely let Jeaneanne know this is an ongoing conversation with differing perspectives. We'll characterize the paper as draft so she knows it isn't ready to send on today, and continue the conversation to flesh this out more fully.

~ Rosemary

Rosemary (Hall) Calli
Section Chief, Wetlands & Streams Regulatory Section
Aquatic Ecotoxicologist
U.S. Environmental Protection Agency, Region IV

404.562.9846
Calli.Rosemary@epa.gov

From: Hurl, Kathy <Hurl.Kathy@epa.gov>
Sent: Thursday, April 2, 2020 3:30 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Laycock, Kelly <Laycock.Kelly@epa.gov>
Sent: Thursday, April 02, 2020 3:07 PM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks everyone for the quick turnaround on this!

I've attached the version we will be presenting to Jeaneanne this afternoon but I realize this document may continue to evolve as we run things up the chain.

Kelly Laycock

Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Wade, Alexis <Wade.Alexis@epa.gov>

Sent: Thursday, April 2, 2020 1:21 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

I am done. Going to keep the doc open and folks can let me know if they have questions or need anything else from me.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, April 02, 2020 1:19 PM

To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

I've finished my edits. Alexis has entered the paragraph she was going to tackle, so she may be done, too, though defer to her.

I will be offline for the next hour, FYI, back before 2:30.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Laycock, Kelly <Laycock.Kelly@epa.gov>

Sent: Thursday, April 2, 2020 11:57 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks so much Simma. If we could shoot for 2:00pm to finish edits I think that would give me time to incorporate everything and leave the Regional folks time to discuss before our briefing.

Kelly Laycock

Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Thursday, April 2, 2020 11:51 AM

To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Thanks. I'm making a few more clarifying edits, in addition to adding some legal background (as is Alexis) though let me know us know if/when you want pens down to incorporate and accept all comments.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Nagrani, Kavita <Nagrani.Kavita@epa.gov>

Sent: Thursday, April 2, 2020 10:15 AM

To: Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Hi Alexis,

Right now, it's scheduled for 430 pm. Thanks!

From: Wade, Alexis <Wade.Alexis@epa.gov>

Sent: Thursday, April 2, 2020 10:05 AM

To: McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

What time is your meeting today?

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: McGill, Thomas <McGill.Thomas@epa.gov>

Sent: Thursday, April 02, 2020 10:02 AM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

As it seems we do not have consensus I agree that it will need to be discussed above our level. In the meantime, I suggest: **Ex. 5 Deliberative Process (DP)**

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, April 2, 2020 9:24 AM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

If it turns out there is a disagreement between the Region and OW, Jeaneanne could always talk to John about it – just a thought. Still putting together the legal language; I apologize for the delay.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Thursday, April 2, 2020 9:19 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) Hope to have something more soon

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, April 02, 2020 8:28 AM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: **Ex. 5 Deliberative Process (DP)**

I apologize; I had hoped to work on it yesterday and was distracted by another issue. I am going to try to find something in the next hour or so to add.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Laycock, Kelly <Laycock.Kelly@epa.gov>

Sent: Thursday, April 2, 2020 6:48 AM

To: McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Subject: **Ex. 5 Deliberative Process (DP)**

Just wanted to reach out to see if anyone was able to find any information to bolster either option 1 or 2 of our issue paper? I was hoping to update the paper with any new information before we brief our Division Director this afternoon.

Thanks,

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132